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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF IOWA  
3 WESTERN DIVISION

3 PAUL DORR and )  
4 ALEXANDER DORR, ) No.  
5 Individually and On ) 5:08-cv-040903-MWB  
6 Behalf of All Other )  
7 Persons Similarly )  
8 Situated, )

9 Plaintiffs, )

10 vs. )

11 DOUGLAS L. WEBER, )  
12 Individually and In )  
13 His Capacity as )  
14 Sheriff, and His )  
15 Successors, THE )  
16 OSCEOLA COUNTY )  
17 SHERIFFS DEPARTMENT, )  
18 IOWA, and OSCEOLA )  
19 COUNTY, IOWA, )

20 Defendants. )

21 \* \* \* \* \*  
22 Telephonic Deposition of PAUL DORR, the  
23 deponent herein, taken on behalf of the  
24 defendants herein, at 4280 Sergeant Road, Suite  
25 290, Sioux City, Iowa, on Wednesday, January  
13, 2010 at 10:03 a.m., before Norine F.  
Kennedy, Certified Shorthand Reporter in and  
for the State of Iowa, of Kennedy & Kennedy,  
Certified Court Reporters, 308 24th Street,  
Sioux City, Iowa.

26 APPEARANCES:

27 MR. VINCENT J. FAHNLANDER  
28 Attorney at Law, of  
29 Mohrman & Kaardal P.A.  
30 33 South Sixth Street  
31 Suite 4100  
32 Minneapolis, Minnesota 55402

33 Appearing on behalf of the Plaintiffs;

34

1 APPEARANCES: (Continued)

2 MR. DOUGLAS PHILLIPS  
3 Attorney At Law, of  
4 Klass Law Firm  
5 4280 Sergeant Road  
6 Suite 290  
7 Sioux City, Iowa 51106

8 Appearing on behalf of the Defendants.

9 \* \* \* \*  
10 Also Present: Alexander Dorr  
11 \* \* \* \*  
12 Reported by Norine F. Kennedy, CSR, CP, RPR  
13 \* \* \* \*

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I N D E X

1		
2	Caption of Case-----	1
3	Appearances-----	1
4	Index-----	3
5	Stipulation-----	5
6	TESTIMONY	
7	PAUL DORR	
8	Examination by Mr. Phillips-----	7
9	End of Deposition at 10:47 a.m., 1-13-10--	35
10	Certificate of Reporter-----	36

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<p style="text-align: center;">4</p> <p>1 MR. FAHNLANDER: This is Vince 2 Fahnländer. MR. PHILLIPS: Hi, Vince. Doug + Phillips. 5 MR. FAHNLANDER: Hi, Doug. 6 PAUL DORR: And this is Paul, I'm 7 here, and Alex must have hit the wrong pin 8 number. He's dialing again right now. 9 MR. FAHNLANDER: Say Doug? 10 MR. PHILLIPS: Yes. 11 MR. FAHNLANDER: We had talked 12 about a stipulation to extend the scheduling 13 order dates and especially discovery. 14 MR. PHILLIPS: Yeah. I will get 15 you something this afternoon. 16 MR. FAHNLANDER: And I haven't seen 17 anything like that. Have you prepared it? 18 MR. PHILLIPS: No. I will get you 19 something this afternoon. 20 MR. FAHNLANDER: Okay. Do you have 21 any concerns about going forward with the 22 depositions without that? 23 MR. PHILLIPS: Not as long as you 24 and I agree that we can. MR. FAHNLANDER: Okay.</p>	<p style="text-align: center;">6</p> <p>1 the -- to this lawsuit? 2 MR. PHILLIPS: I have no objection. 3 I believe since they are parties that they have 4 a right to attend one another's depositions. 5 MR. FAHNLANDER: Okay. 6 MR. PHILLIPS: Just so we're clear, 7 where are the plaintiffs? 8 PAUL DORR: We're -- We are both -- 9 Alex, you're on now; correct? 10 ALEXANDER DORR: I am. 11 PAUL DORR: Okay. We are both in 12 Ocheyedon, Iowa. 13 MR. PHILLIPS: In different places? 14 PAUL DORR: No. We're in the 15 same room -- in the same -- my office. 16 MR. PHILLIPS: Okay. What is that 17 address? 18 PAUL DORR: 632 Poplar Street. 19 MR. PHILLIPS: And Vince, you're in 20 Minneapolis in your office? 21 MR. FAHNLANDER: Yes, 33 South 22 Sixth Street, Suite 4100, Minneapolis 55402. 23 MR. PHILLIPS: Okay. And this is 24 Doug Phillips, and I'm in my office in Sioux 25 City, 4280 Sergeant Road, Suite 290. So now we</p>
<p style="text-align: center;">5</p> <p>1 MR. PHILLIPS: Do you agree? 2 MR. FAHNLANDER: Yeah. Yeah, I 3 guess. I had thought that you were quite 4 concerned with the dates, you know, or with 5 having the stipulation or a motion in place 6 before we do any more discovery. 7 MR. PHILLIPS: I was, but I had 8 trials at the end of December and the beginning 9 of January and as a result couldn't get the 10 stipulation done and to you for review. 11 MR. FAHNLANDER: Okay. All right. 12 Well, you know, that's fine. I'm willing to go 13 ahead. 14 MR. PHILLIPS: I appreciate that. 15 Will you also stipulate that for purposes of 16 these two depositions, the continuation of Paul 17 Dorr's deposition and the deposition of 18 Alexander Dorr that our court reporter can be 19 here in Sioux City with me and can still swear 20 the witness in who is somewhere else? 21 MR. FAHNLANDER: That's fine. 22 MR. PHILLIPS: Thank you. 23 MR. FAHNLANDER: I assume you don't 24 have any objection to both Paul and Alex being 25 in the room since they are both parties to</p>	<p style="text-align: center;">7</p> <p>1 know where everybody's at. Unless someone has 2 a different idea, I thought I would reconvene 3 the Paul Dorr deposition. I expect that to be 4 a very short deposition, and then we can move 5 to Alexander Dorr. Is that okay? 6 MR. FAHNLANDER: Yeah, that's fine. 7 We may want to take a, you know, a five minute 8 break between the two depositions or something, 9 but other than that, that's fine. 10 MR. PHILLIPS: Okay. We'll take as 11 much of a break as anybody wants to take. At 12 this time I will ask our reporter Norine 13 Kennedy to swear in Mr. Paul Dorr. 14 PAUL DORR 15 being first duly sworn, testified as follows: 16 E X A M I N A T I O N 17 BY MR. PHILLIPS: 18 Q. Mr. Dorr, this is Doug Phillips. 19 Obviously we're doing this by telephone, and so 20 I want to repeat some of the things that I told 21 you during your first deposition just to 22 emphasize them. It's very important since 23 we're on the phone to make sure that I'm 24 finished before you start, and conversely for 25 me to make sure you're finished before I start.</p>

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<p>1 If at any time you don't hear me or don't 2 understand me, please speak up and say so and 3 let's just try to go slow and we'll get through 4 this okay. Is that all right? 5 A. That's fine. If I'm not understanding, 6 am I free to interrupt you and tell you that or 7 should I wait until you're done? 8 Q. It would be better to wait until I'm 9 done because at least I'm using a speaker 10 phone, and if you interrupt me, I'm not sure 11 what will happen. I think what will happen is 12 you won't hear me and I won't hear you, so -- 13 A. That makes sense. All right. 14 Q. Yeah, the best -- the best plan might be 15 to just wait till I'm finished and then tell 16 me, I don't have any idea what you're talking 17 about. Could you repeat that? 18 A. Okay. Sounds fine. 19 Q. All right. Would you state your name 20 for the record again. 21 A. Paul Robert Dorr. 22 Q. And Mr. Dorr, the reason we are 23 reconvening your deposition is because you have 24 amended your complaint to state a claim under 25 the First Amendment. My questions for you</p>	<p>1 supervisors regarding -- raising questions 2 regarding the size of the budgets and the 3 taxations and so forth. 4 Q. What is the last issue you recall them 5 being involved in in a public forum? 6 A. Most recently in -- Last being prior 7 to -- to the injury done to me or just most 8 recently? 9 Q. Most recently, meaning when's the last 10 time they were getting any press? 11 A. Okay. They were -- The president Kevin 12 Wolfswinkel made a public statement at a rather 13 crowded room of the Osceola County Compensation 14 Board. I believe that was toward the last week 15 in November of 2009. 16 Q. What was the nature of Mr. Wolfswinkel's 17 comment? 18 A. At that time as I recall he read a 19 statement that in light of the declining 20 economy, in light of the Compensation Board and 21 the supervisors ignoring the OCTA's advice from 22 a year ago to freeze the county wages, he said 23 in light of the massive layoffs going on around 24 our county that he asked the -- the Osceola 25 taxpayers -- excuse me -- the Compensation</p>
9	11
<p>1 today will relate to that claim. 2 A. Okay. 3 Q. Are you familiar with that claim? 4 A. Yes. 5 Q. To your knowledge, how long has the 6 Osceola County -- is it Taxpayers Association? 7 A. That is correct. 8 Q. If I call it OCTA, will you know what 9 I'm talking about? 10 A. That will be the Osceola County 11 Taxpayers Association, correct. 12 Q. How long has OCTA existed, to your 13 knowledge? 14 A. To my knowledge, I -- I really don't 15 have knowledge of it. I'm thinking it's 16 sometime back in the 1980s that it was formed. 17 Q. Let me ask you this. To your knowledge 18 how long has it been active in Osceola County? 19 A. It's been active kind of cyclically. 20 Sometimes in the '80s and '90s it was; then 21 sometimes it kind of goes -- it went silent for 22 a few years, and then it kind of -- it picked 23 it up again. But at least once a year, to my 24 knowledge, members of it would testify in front 25 of the Public Safety Commission or the</p>	<p>1 Board, the Osceola County Compensation Board to 2 make recommendations to the supervisors to 3 reduce some of the -- the salaries of the 4 elected officials. That was -- That was the -- 5 the summary of it. There was more context to 6 it, but his primary issue was asking them to 7 now reduce the elected officials' wages. 8 Q. Has the Osceola County Compensation 9 Board made its recommendation yet for the 10 upcoming fiscal year? 11 A. My understanding from the press accounts 12 is that they have. 13 Q. Do you know what that recommendation is? 14 A. The recommendation was basically what 15 OCTA suggested last year, and that was to 16 freeze all the elected salaries save one, and 17 that was the sheriff's. And that was -- From 18 press accounts that was raised I believe by 19 three and a quarter percent. And that 20 recommendation was made to the supervisors and 21 according to press accounts the supervisors did 22 approve it. 23 Q. Were those recommendations by the 24 Compensation Board controversial? 25 A. Yes.</p>

<p style="text-align: right;">12</p> <p>1 Q. Describe the discussion at the 2 compensation board meeting. Were you there? A. Yes, I was. Q. Describe the discussion from your 5 perspective. 6 A. What I witnessed was statements made by 7 Mr. Wolfswinkel questioning the -- the County's 8 decisions from the year before. There was also 9 Sheriff Weber challenged Mr. Wolfswinkel, but 10 he didn't have his data accurate. And then 11 later amongst the board members of the 12 compensation board there was some question 13 discussed amongst them regarding the -- let me 14 see, try to -- the -- the County's contract, 15 employment contract with the sheriff's -- the 16 deputies, and how it would drive the sheriff's 17 pay raise or not. That was a vigorous 18 discussion amongst several of the compensation 19 board members themselves. 20 Q. All right. There's a collective 21 bargaining agreement for the deputies? 22 A. That's the word I'm looking for, thank 23 you. Yes. 24 Q. Was the concern that -- Well, let me ask 25 you this. To your knowledge is that collective</p>	<p style="text-align: right;">14</p> <p>1 A. B-r-a-a-k-s-m-a. 2 Q. Thank you. Do you know, other than 3 these people whose names you've just given me, 4 other -- others who are members of OCTA? 5 A. I'm not an officer or a director of, so 6 I don't have access to the membership roles. 7 Q. Are you a member? You may have just 8 told me that. 9 A. No, I'm not officially. I'm just a 10 hired employee and researcher for them. 11 Q. Have you ever been a member? 12 A. No. 13 Q. Do you know if any officer, director or 14 member of OCTA has ever been denied a concealed 15 carry permit? 16 A. I have no knowledge if anyone has been 17 denied, no. 18 Q. Can you give me the name of any officer, 19 director or member of OCTA that's ever applied 20 for a concealed carry permit? 21 A. I understand that the president Kevin 22 Wolfswinkel has. 23 Q. Do you know the outcome of that 24 application? 25 A. Based on Sheriff Weber's testimony at</p>
<p style="text-align: right;">13</p> <p>1 bargaining agreement a multi-year agreement? 2 A. To my knowledge. I haven't read it, but 3 I've -- I -- I've looked at excerpts of it, but 4 I assume that it is, based on press accounts. 5 Q. All right. As far as you know, are the 6 deputies in line for a raise? 7 A. As far as I know, yes. 8 Q. Was the concern that if they get a raise 9 it would narrow the gap between what deputies 10 make and what a sheriff makes? 11 A. Right. 12 Q. And was that debated or controversial? 13 A. Yes. 14 Q. Do you know who the current officers of 15 OCTA are? You told me Mr. Wolfswinkel was 16 president. 17 A. Yeah. I think we reviewed them at the 18 last depositions. They would be, Ed Wheeler is 19 the -- is the treasurer. The secretary is 20 Rochelle Buckman, Carl Berkenpas, George 21 Braaksma, and I may be missing one, and then Kevin Wolfswinkel. 23 Q. What was George's last name? 24 A. Braaksma. 25 Q. Any idea how to spell that?</p>	<p style="text-align: right;">15</p> <p>1 the last deposition, he granted it to him. 2 Q. Has your relationship with OCTA always 3 been through Copperhead? 4 A. Yes. 5 Q. When did Copperhead first enter into a 6 consulting relationship with OCTA? 7 A. February of 2007. It may have been the 8 last week in January, but sometime end of 9 January, first of February of 2007. 10 Q. Are there any documents that memorialize 11 that relationship? 12 A. I believe the secretary may have kept 13 minutes of them agreeing to employ me, but 14 they -- they moved on it, and -- and acted, you 15 know, to do that. Many of my contracts are 16 just oral. 17 Q. So in your relationship -- 18 A. In this case there was no -- there was 19 no written employment agreement but it was when 20 I met with them, they asked what services I 21 could provide. I spelled it out, we agreed on 22 a fee, and then they discussed amongst 23 themselves and voted to go ahead and retain me. 24 Q. And has that retainer continued up to 25 today?</p>



<p style="text-align: right;">16</p> <p>1 A. It continues in bits and pieces. 2 They'll do project pricing. They'll say, We 3 want to do this or that, or can you cover this 4 or that, and we'll agree on a fee and then 5 they'll then compensate me. 6 Q. Has there ever been a written contract 7 or a letter of understanding since you first 8 started working with them in January or 9 February of 2007? 10 A. No. 11 Q. What services have you provided for 12 them? And I understand that it's consulting 13 services, but I'm looking for the specifics. 14 A. Yes. I've researched county budgets, 15 I've researched comparative salaries, I've 16 written -- did analysis of counties -- of 17 budgets from various perspectives, compared to 18 other counties, compared to per capita and so 19 forth. I have written political tracts for 20 them, I've written brochures, membership 21 recruitment pamphlets where they would spell 22 out the concerns they had and encourage people 23 to join them. I'm trying to try -- Oh, they've 24 asked me to -- to maintain their web site 25 subject to their -- their approval. I'm sure</p>	<p style="text-align: right;">18</p> <p>1 Q. Can you tell me from your memory what 2 issues you addressed or what events you were 3 involved in? 4 A. Well, the various compensation board 5 meetings, researching comparable salaries of 6 various counties and so forth -- various 7 counties and so forth for them, as far as total 8 budgets, et cetera. We did an initial brochure 9 comparing the county's expenditures compared to 10 other counties in a per capita basis and then 11 we helped distribute that around the county. I 12 asked and had some of my sons including Alex 13 that would hand leaflets outside of the factory 14 and different places around the county. So we 15 distributed a pamphlet kind of introducing the 16 county to the scope of the problem that we have 17 in county government here. 18 Q. Let me interrupt you. What is the 19 problem? 20 A. Well, I'll speak from what I've seen. I 21 won't speak officially from the OCTA 22 perspective. But from what I'm seen is we're 23 too small of a county and they -- they think 24 they can spend like a big county, and they 25 don't -- they don't look for areas to</p>
<p style="text-align: right;">17</p> <p>1 I'm not recalling everything, but that's the 2 general nature. 3 Q. How much do you charge them for your 4 services? 5 A. Oh, initially I think it was 2,500, and 6 then since then it's -- it's in two and five 7 hundred dollar segments. I would have to look 8 at my records to see what the total has been. 9 I would imagine it hasn't been over 4,000, but 10 again I'd have to -- I'd have to go back to my 11 records and confirm that. 12 Q. Do you have copies of the things that 13 you just described that you have done for them 14 since 2007? 15 A. I should have most of them, yes. 16 Q. Are there any documents that show when 17 you provided these services? 18 A. I -- Really I guess the -- No. I don't 19 know. I mean, we could go back and kind of 20 figure when the issue was being debated and 21 discussed and so forth, but I can't -- I 22 could -- Some of the documents by inference may 23 tie back to an event that they were -- that 24 they were publicly active in. I could probably 25 kind rebuild it and figure out what it was.</p>	<p style="text-align: right;">19</p> <p>1 streamline efficiencies and keep our county 2 spending in proportion to our tiny size. One 3 illustration would be the county attorney which 4 is his salary as a full time county attorney in 5 one of the six smallest counties of the state, 6 and as we compared to a whole bracket of 7 counties our size, we found none of them had a 8 full time county attorney. And then when we 9 were made aware that the county supervisors 10 initially told the county attorney not to enter 11 into an agreement to also work in O'Brien 12 County while he had a full time status here in 13 Osceola County, getting a full time salary, and 14 he ignored them and went ahead and did that. 15 That was one of the first areas the OCTA asked 16 me to investigate and research was to -- to see 17 how the county attorney's overall compensation 18 between the two counties compares to other 19 county attorneys. I did do an active research 20 and survey of 11 county attorneys in Iowa, and 21 we came up with some data showing that in our 22 small county he's significantly overpaid. 23 And so the -- the problem is from 24 my perspective that the -- again the county is 25 too small to be spending at the levels that</p>

<p style="text-align: right;">20</p> <p>1 they are, presuming that -- and they're not 2 looking for any ways to streamline efficiency. 3 Q. When is the last time there was an 4 election that included county officials in 5 Osceola? 6 A. I would assume November of 2008. 7 Q. Did the county attorney -- Who is the 8 county attorney? 9 A. Bob Hansen. 10 Q. Did Mr. Hansen run for re-election in 11 '08? 12 A. You know, honestly I don't recall. If 13 he did, it was -- it was uncontested. 14 Q. What about the -- the supervisors, were 15 they on the ballot in '08? 16 A. Some of them were. 17 Q. To your recollection, were any of them 18 who sought re-election defeated? 19 A. Some who sought re-election were 20 defeated in the primaries, but in the general 21 election all those who won their primaries in 22 the Republican party won their seats. 23 Q. Has this issue of being a little county 24 but spending like a big one, has that been 25 controversial in Osceola County?</p>	<p style="text-align: right;">22</p> <p>1 chief deputies' base pay higher than all the 2 rest of the chief deputies in northwest Iowa. 3 That -- That research hadn't been completed and 4 therefore it was never published. But what the 5 OCTA was suspicioning from the initial research 6 was demonstrated to be true, looking at the 7 base salary and compensation packages of most 8 of the northwest Iowa counties. 9 Q. Do you know what union the deputies 10 belong to? 11 A. I think it's the Iowa Affiliated 12 American -- What is it? AFSCME, Federal, 13 State, Municipal -- Community, Municipal 14 Employees Union. 15 Q. Do you know who bargained -- excuse 16 me -- who bargained that contract for the 17 county? 18 A. I -- I -- I understood who was going to. 19 If he actually sought through or not, I don't 20 know. I assume he did, but Preston DeBoer. 21 Q. He would have been for the union; right? 22 A. Excuse me, yes. Maybe I misunderstood 23 your question. 24 Q. Who was on the other side of the table? 25 A. Oh, I would assume that the county</p>
<p style="text-align: right;">21</p> <p>1 A. Well, you know, I don't know how to 2 answer that question. It's controversial in 3 many people's minds. 4 Q. What other -- What -- In what forums has 5 this issue been discussed? 6 A. Before I was employed, the OCTA was 7 raising several questions that the county 8 sheriff -- the Public Safety Committee was 9 overseeing the budget for the sheriff's office. 10 And I was watching that in the paper for two or 11 three, four years before I was ever hired. 12 Q. Tell me about that issue. 13 A. Well, I -- I wasn't a party to it, but 14 what I recall from the media was that the OCTA 15 was raising questions about the compensation, 16 the salaries, so forth of the sheriff's 17 department in light of our small size. 18 One of the projects I did do 19 partially but they didn't have enough funds to 20 complete it was a couple years ago we did a 21 salaries survey of deputies in counties in 22 northwest Iowa and with probably two or three 23 counties that we didn't get in touch with and 24 we never published it, but we did find at the 25 time that their employment contract had our</p>	<p style="text-align: right;">23</p> <p>1 supervisors' representative in that would be 2 Bob Hansen, the county attorney. Who actually 3 did it, I honestly don't know. 4 Q. Okay. So you've talked about 5 discussions regarding salaries or wages in the 6 sheriff's department, you've talked about this 7 notion of a little county acting like it's a 8 big county when it comes to spending money. 9 Are there other controversial issues in which 10 Copperhead has been involved? 11 A. Some of the research that they had me do 12 a year ago was that -- was kind of an evolving 13 project, but they started looking and realizing 14 that in fact we had -- the supervisors 15 themselves were overpaid, and we did some 16 active research on that and looked at the 17 salaries of comparable counties and the number 18 of supervisors that comparable counties had. 19 And we found that almost all of the counties in 20 the 7,500 population, five counties above that 21 in size and five counties below that in size, 22 that I think all of them maybe save one had 23 only had three supervisors, and then also a 24 county had five, and that their wages were very 25 competitive with -- with some of the most</p>



1 highest ranking ones who had three supervisors.  
2 So the questions began to raise a year, year  
3 and a half ago is -- Well, the one, that the  
4 supervisors can't control the budget because  
5 they're some of the ones that are the most  
6 overpaid of all. So it has been a very strong  
7 point of contention by the OCTA in the last  
8 year, year and a half.

9 Q. What other similar issues has OCTA been  
10 involved with where you have consulted?

11 A. I'm just -- I'm trying to go back in  
12 memory for the last couple two, three years,  
13 and right now that's all I can recall.

14 Q. Is it your contention that Sheriff Weber  
15 denied your concealed carry permit at least in  
16 part because of your affiliation with OCTA?

17 A. Yes.

18 Q. Why do you think that?

19 A. Because there had been no incident, no  
20 activity, nothing relative to the use of a  
21 firearm any time prior to this. He had -- He  
22 had issued me permits previously. And then in  
23 '07 when I started working for the OCTA, I  
24 started receiving letters and communications  
25 from Dan DeKoter defending the sheriff's budget

1 and the county attorney's budget and basically  
2 legally threatening me and my client.  
3 Initially Mr. DeKoter thought my client was a  
4 member or two of the board of supervisors. And  
5 I didn't reveal to him because I had no duty to  
6 do that. He was just a private citizen. But  
7 Mr. DeKoter rapidly made the whole issue rather  
8 contentious within the community and then  
9 started going into the newspapers attacking me.  
10 So this is all stirring through 2007. And so  
11 then from the time, the end of July, early  
12 August 2007 when my permit was up for renewal  
13 and I called the sheriff and he said, I want to  
14 talk to you about it this time, you need to  
15 stop in, I strongly suspected -- Because  
16 there was no -- nothing else that had changed,  
17 I strongly suspected that -- that my working  
18 for the OCTA was -- was driving this meeting to  
19 come in there. And it's why in fact I carried  
20 my digital recorder into the meeting. And  
21 later now in depositions he's kind of affirmed  
22 what I suspected. And in that meeting, if  
23 you've had a chance to look at his video, I  
24 asked him if he had any evidence of anything  
25 that I said that may have prompted this false

1 accusation of fear, and he said no. So in my  
2 mind I'm sitting here thinking, He's got  
3 unnamed accusers and they have -- by his own  
4 admission they have no evidence. And at that  
5 point I asked him, Is this personal? And he  
6 naturally denied it. But I -- I had reached  
7 the conclusion in my mind then he's punishing  
8 me for simply helping the OCTA exercise their  
9 free speech.

10 Q. Did he say anything -- I'm sorry. Go  
11 ahead.

12 A. And -- and my own free speech. At some  
13 point -- I'll have to go back to the '07  
14 letters to the editor, but at some point  
15 Mr. DeKoter started attacking me personally in  
16 the papers for my involvement with them, and so  
17 I had to, you know, defend my character and  
18 reputation. So then I went in the papers and  
19 defended myself and made most of Mr. DeKoter's  
20 arguments look, I believe, rather foolish. But  
21 it was at that moment that -- in the midst of  
22 that controversy that I was then denied my  
23 permit.

24 Q. Is there some connection between  
25 DeKoter's letters and the denial of your permit

1 application?

2 A. We don't know -- I don't know what the  
3 connection was. He just seemed to have privy  
4 to a lot of the stuff that I was doing for OCTA  
5 and the county, and that was one of the  
6 questions that always was listed with the OCTA.  
7 He's not the county's attorney, he's not  
8 retained by the Public Safety Commission to  
9 represent them. Why -- How is he getting all  
10 this knowledge about what we're doing, and why  
11 is he sticking his nose into this relationship?  
12 So you know, what connection there is -- Well,  
13 I think it's illustrated by July of 2008 where  
14 Mr. DeKoter is sending me a letter stating he  
15 represents the Public Safety Commission when in  
16 fact he did not.

17 Q. Were you ever able to answer those  
18 questions raised by OCTA, namely, where's  
19 DeKoter getting his information and why is he  
20 involved in this?

21 A. I did e-mail Mr. DeKoter at one time and  
22 asked him a simple question, Are you the one  
23 that went to Sheriff Weber and told him you  
24 were afraid of me? He sent me a single line  
25 response back stating, Please stop harassing

28	30
<p>1 me. The implied assumption was that I had -- 2 there's been a pattern of some sort of harassment. But I believe in Mr. DeKoter's mind that anybody questioning him in the paper and challenging his deceptions, to his mind that was harassment.</p>	<p>1 sheriff, until -- and until the lawsuit was 2 filed which I assume then that you would 3 counsel him to not continue abridging my free 4 speech rights, before that period from the time 5 he denied me until that period, I was 6 questioning much of what I was doing and 7 assuming and looking at what else is he going 8 to do to harm me if I write this or publish 9 this or state that. So there was -- there 10 was -- And I'd have to go back and look at some 11 of the material, but I -- I -- as memory 12 serves, there was some material that didn't get 13 distributed because I was now frightful.</p>
<p>7 There had been no other 8 communication with Mr. DeKoter on any of these 9 issues in the county for 20 years or ever that 10 I know of. And so when I asked him if he was 11 the one that went to Sheriff Weber, he didn't 12 answer the question. He just -- just implied 13 that I was harassing him.</p>	<p>14 He then went on in April of 2008 15 when my wife applied, and she waited a couple 16 weeks, and he said -- She called him up and he 17 said, I would like to -- I'm not sure yet. I 18 need a -- I need to contemplate on this. Give 19 me 30 days. And my wife reported to me that 20 she said to him, Well, is there something 21 you're going to discover or understand or know 22 in 30 days that you don't know now? Is there 23 any questions I can answer for you that will 24 help you make this decision? And he said, No. 25 He said, I just need to -- I think the word was</p>
<p>14 So no, we don't know of a 15 connection, but his involvement in July of 2008 16 with his letters gave me strong suspicion that 17 he was in fact having some ongoing 18 communication with the sheriff.</p>	
<p>19 Q. Did Sheriff Weber say anything in his 20 conversation with you in his office that led 21 you to believe he was denying your application 22 because of your relationship with OCTA?</p>	
<p>23 A. No, he did not.</p>	
<p>24 Q. Did he -- What is it that he said in his -- deposition that makes you think this was a</p>	
29	31
<p>1 factor in the decision to deny your 2 application?</p>	<p>1 meditate on this for 30 days.</p>
<p>3 A. His response to my attorney's questions 4 about OCT, my OCT involvement that summer, and 5 he said yes, writing letters and putting 6 pamphlets on cars and distributing handbills 7 and so forth. I don't have the exact quote in 8 front of me, but it was -- it was that and I 9 think he had kind of affirmed it again a little 10 bit later.</p>	<p>2 And at that point she came to me 3 and said, What's going on? I looked at the 4 calender and I realized his primary election 5 was up in 30 days. So I strongly suspicion 6 then that he was punishing my wife and trying 7 to silence me by dangling her permit out there 8 until he got re-elected. I can't -- I don't 9 know if that happened, but he had -- he had no 10 reason, he gave her no reason, he wasn't doing 11 any further investigation, he had no questions 12 for her, nothing more than I just need 30 days 13 to meditate on this. Normally my family gets 14 those -- With me in the past, in a week's time 15 it's done. He's done his background research 16 and the permit is issued. So by April of 2008 17 we began to really suspicion that if I spoke 18 out he was going to look for some kind of way 19 to punish me.</p>
<p>11 Q. In your first deposition you and I spent 12 quite a bit of time on the question of how have 13 you been harmed by all of this, what are your 14 damages. I don't expect you to have memorized 15 our discussion, but do you generally remember 16 that we talked about that?</p>	
<p>17 A. Yes.</p>	<p>20 Q. Your wife got her permit?</p>
<p>18 Q. My question for you today is this, is 19 there some separate item of damage or 20 additional harm that we haven't already 21 discussed that arises out of your belief that 22 the denial was premised at least in part on 23 your association with OCTA?</p>	<p>21 A. Yes, after some -- some communication 22 back and forth. She withdrew her permit -- the 23 application at that time because she was not 24 going to be part of his gamesmanship, and then 25 later reapplied in July of '08 and that's then</p>
<p>24 A. Yes. Until I sought legal counsel and 25 sought redress of my grievance against the</p>	

32

1 what elicited Mr. DeKoter's letter indicating  
2 that all permits are going to be frozen --  
3 suspended rather for a certain length of time  
4 and that he would issue new criteria and so  
5 forth. And then we questioned that and  
6 challenged that and Mr. DeKoter responded. My  
7 wife filed the application for a permit and the  
8 first and only response we get is not from  
9 Sheriff Weber but from Mr. DeKoter who is not  
10 employed by the county in any capacity.

11 And then I exchanged letters with  
12 Mr. Weber and a courtesy copy to Mr. DeKoter  
13 through the month of July of '08, I believe it  
14 was. And at that time Sheriff Weber realized  
15 he really don't have -- Well, I don't know what  
16 he realized. But at that time he then issued  
17 my wife's permit.

18 Q. To use your word, has the sheriff  
19 punished you in any way other than the timing  
20 of issuing your wife's permit since that time?

21 A. Nothing that I recall at this time.

22 Q. Do you have copies of these documents  
23 that were not published because of your concern  
24 for what might happen if you did publish them?

25 A. I'll have to go back in the file and see

33

1 if I printed them and stuck them in there. I  
2 know that several times there were letters to  
3 the editor that I wanted to publish that I may  
4 have drafted and then hit the delete key. I  
5 don't know that I do, but I know that at the  
6 time there was several things that I felt  
7 needed a response but did not do. But I can  
8 look through the file and see if I did print  
9 and keep any of them, but it's doubtful.

10 Q. You referred to the file. What is the  
11 file?

12 A. It's what I mentioned last time. I have  
13 a Doug Weber file. It's just basically the  
14 correspondence and the communication that have  
15 existed in this matter. There's some letters  
16 to the editor relative to this issue that were  
17 stuck in there, but I know not near all of them  
18 are in there.

19 Q. I asked you a few moments ago what made  
20 you think Sheriff Weber considered your  
21 association with OCTA in deciding to deny your  
22 permit application. You've answered the  
23 question. I want to make sure that there is  
24 nothing else that you believe supports that  
25 contention.

34

1 A. Well, it -- His affirmation in the  
2 depositions, the prior depositions, is -- is  
3 what is the additional, I guess, item that --  
4 that I -- that I can recall at this time. And  
5 you know, I -- I'd have to rethink, not -- not  
6 having time to ponder on this question. As far  
7 as I know at this time that's all that I can  
8 recall, but I would -- I would -- again, his  
9 affirmation during the deposition seemed to  
10 confirm it in my mind.

11 Q. Okay. Let me state it one more way just  
12 to make sure that we're communicating. Have  
13 you told me everything you can remember as you  
14 sit here today about why you think your  
15 association with OCTA was a factor in the  
16 decision to deny the permit?

17 A. Yes, sir.

18 MR. PHILLIPS: I don't think I have  
19 any other questions for you.

20 THE WITNESS: Okay.

21 MR. PHILLIPS: Vince, do you want  
22 to take a short break?

23 MR. FAHNLANDER: Yeah, let's take a  
24 little break.

25 MR. PHILLIPS: How do we do this?

35

1 Do I just leave the phone connection open or do  
2 I call in in a few minutes?

3 MR. FAHNLANDER: I think we can  
4 call -- we can all call back in a few minutes  
5 and re-enter the pin number and just get back  
6 onto it.

7 MR. PHILLIPS: Okay.

8 MR. FAHNLANDER: How about ten  
9 minutes?

10 MR. PHILLIPS: Yeah. My clock says  
11 10:47. I'll replace my call at 11 o'clock.

12 MR. FAHNLANDER: Sounds good.

13 MR. PHILLIPS: Thank you everyone.

14 \* \* \*

15 END OF DEPOSITION AT 10:47 A.M., 01/13/2010

16 \* \* \*

36

CERTIFICATE OF REPORTER

I, Norine F. Kennedy, Certified  
Shorthand Reporter in and for the State of  
Iowa, do hereby certify as follows:

1. That the deponent aforementioned was  
duly sworn prior to the taking of this  
deposition.

2. That I took down in shorthand,  
correctly, the testimony of said deponent and  
have caused the same to be transcribed, and  
that this deposition is a true and correct  
record of the testimony given by said deponent  
at the time I affix my signature to this  
certificate. The witness did not request the  
opportunity to read and sign the deposition.

3. That the cost for reporting and  
transcribing this deposition is in the sum of  
\$\_\_\_\_, said sum to be advanced and paid to  
Kennedy & Kennedy, Certified Court Reporters,  
308 24th Street, Sioux City, Iowa 51104, prior  
to the use of said deposition at trial, by  
Mr. Douglas Phillips, Attorney of Sioux City,  
Iowa.

4. That the original transcript of  
this deposition is to be filed with Mr. Douglas

37

Phillips.

5. That a copy is to be delivered  
to Mr. Douglas Phillips and Mr. Vincent  
Fahnlander.

6. I further certify that I am not  
related by consanguinity or affinity within the  
fourth degree to any party, his attorney, or  
any employee of any of them; that I am not  
financially interested in this action, and that  
I am not the attorney or employee of any party.

7. No exhibits were marked in this  
deposition.

To all of which I have verily  
affixed my signature this 18th day of January,  
2010.

*Norine F. Kennedy*

NORINE F. KENNEDY, CSR-MPR  
Kennedy & Kennedy  
Certified Court Reporters  
308 24th Street  
Sioux City, Iowa 51104  
(712) 252-1405

CASE NAME: DORR vs. WEBER et al

ADDENDUM TO DEPOSITION

EXAMPLE

<u>Page</u>	<u>Line</u>	<u>Change and Reason</u>
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3	2	Smith to Schmitz (Correction) Misspelling
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28	11	\$144 to \$175 (Correction) Refreshed memory from files after deposition was taken.
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12	9	The word "that" should replace the last word "but".
----	---	--

13	20	Buckman to <del>Buch</del> Buchman - Misspelling
----	----	--

To all of which I affix my signature this 11<sup>th</sup>  
day of February, 2010, at the city of Ocheyedan  
, state of Iowa.

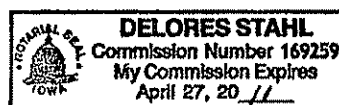
Osceola County

Paul K. Dorr  
PAUL DORR

I did witness the above signature on the 11<sup>th</sup>  
day of February, 2010, in the city of Ocheyedan  
, state of Iowa.

Delores Stahl

NOTARY PUBLIC





CASE NAME: DORR vs. WEBER et al

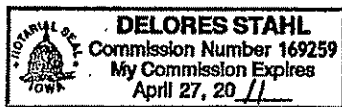
CERTIFICATE OF DEPONENT

I, the undersigned deponent, do hereby certify under oath that I did read the foregoing pages of transcript and that any corrections I want to make to the foregoing pages of transcript have been set out on the foregoing Addendum, and that I have indicated the correction itself, the page and line number of the correction, and the reason for the correction, if any.

In witness whereof, I have hereunto affixed my signature on this 11<sup>th</sup> day of February, 2010, before the undersigned Notary Public.

Paul Dorr  
PAUL DORR

I hereby certify I did witness the above signature on this the 11<sup>th</sup> day of February, 200910, in the City of Osceola, County of Iowa, State of Iowa.



Delores Stahl  
NOTARY PUBLIC

My commission expires: 4-27-2011.